

Exhibit E
Transcript of Walker County Civil Service Board
Hearing dated 10/26/04
(Part II)

1 Q. Tell me what's directly outside your door,
2 your living room door.

3 A. Car and --

4 Q. Is it ground level?

5 A. Pretty level, but I hit her car and I
6 bounced back on my door step, grabbed me behind -- right
7 under here and then dragged me to get me back on my feet
8 and said walk.

9 Q. He grabbed you up under your armpits?

10 A. Yeah. Trying to tell me to get in the car.
11 I don't see no car to get in. He sprayed me some more
12 on the way to the car.

13 Q. So you still couldn't see?

14 A. He made sure I couldn't see nothing.

15 Q. Okay.

16 A. I couldn't see.

17 Q. Were you trying to fight him?

18 A. There wouldn't be no use to. I probably
19 would have hit one of them trees out there if I was
20 going to swing at anything.

21 Q. Okay.

22 A. I got plenty of trees in the yard.

23 Q. You were not trying to fight him, you
24 weren't threatening?

25 A. I done know --

1 Q. Did you use any threatening language?

2 A. No. And I done know when he put them
3 handcuffs on me and he sprayed me and I couldn't see
4 nothing, I was helpless. Anyway I'm disabled and
5 crippled.

6 Q. All right. Stop right there.

7 A.. There's no way I could whop him.

8 Q. Stop right there, Taz.

9 A. I didn't make no threats.

10 Q. So you're outside now, you're outside of
11 your trailer; is that right?

12 A. For the second time.

13 Q. Was it cold outside?

14 A. Oh, yes, it was cold outside.

15 Q. The first time he pushed you back into the
16 house?

17 A. He told her --

18 Q. Were you blinded at that time?

19 A. Yes. He said --

20 Q. Were you in handcuffs at that time?

21 A. He said the D word like damn --

22 Q. So he was going to take you to jail in your
23 underwear; is that right?

24 A. Yeah, damn, going like this.

25 Q. And Patsy talked him into letting you put

1 some clothes on?

2 A. Right.

3 Q. The day before you had been to the doctor;
4 is that correct?

5 A. That's correct.

6 Q. Did you have a bandage on your hand, your
7 right hand?

8 A. Yeah. On this thumb I had a fracture right
9 here where I hurt my -- I had a hot water leak --

10 Q. What kind of bandage did you have on it?

11 A. Just a little splint with an ace bandage you
12 can take off and on.

13 Q. You had a splint on your thumb with an ace
14 bandage?

15 A. Yeah.

16 MR. WILLFORD: Charlie, I'm sorry. I need
17 to interrupt for a minute. We've got a witness
18 standing there by the door. I would appreciate it
19 if he would be moved away.

20 Q. You had an ace bandage around your wrist and
21 you had your thumb in a splint; is that correct?

22 A. The doctor in Winfield emergency room did
23 that.

24 Q. Did anyone remove the splint, did Officer
25 Ingle remove the splint or the ace bandage before he put

1 the handcuffs on you?

2 A. No. They removed it down at the jail.

3 Q. They removed it at the jail. You still had
4 the splint and the ace bandage on when you got to the
5 jail?

6 A. (Witness nods head.)

7 Q. Did you have any bandages or a bandage over
8 any of your fingers on your right hand?

9 A. Wasn't nothing wrong with none of them.

10 Q. Was he able to get the handcuffs around your
11 wrists, both wrists?

12 A. Yeah, he put them on there.

13 Q. Now, let me ask you this: Was there any
14 part of that ace bandage underneath the handcuff on your
15 right arm, or was it just skin underneath the handcuff?

16 A. The ace bandage came to about right here and
17 the cuffs was over the bandage.

18 Q. The cuff was over the bandage, okay. You
19 didn't have any bandages on your left hand?

20 A. No.

21 Q. Okay.

22 A. This finger here and on this thumb.

23 Q. Okay. After you got your clothes on and he
24 took you out to the car, you say he sprayed you some
25 more when you got outside the house?

1 A. Three more times before I got to the car.

2 Q. Three more times?

3 A. Right.

4 Q. Where did he spray you, in the face?

5 A. In the face.

6 Q. Were you feeling any pain at this time?

7 A. Oh, yes.

8 Q. Where were you feeling the pain?

9 A. I was feeling so much pain I couldn't
10 explain it.

11 Q. Where were you feeling it, in your face, in
12 your hands, or where?

13 A. Yes. I already had one heart attack.

14 Q. You've already had a heart attack?

15 A. Right. And I was having to take medication
16 for it. I brought all my medication with me. The
17 medication was necessary.

18 Q. Did Mr. Ingle ask you if you needed to take
19 any medication to the jail with you?

20 A. No.

21 Q. Did he ask you if you were sick?

22 A. No.

23 Q. Did he know that you had had a heart attack?

24 A. No.

25 Q. How long ago had you had that heart attack?

1 A. Been about three years ago.

2 Q. But you say he did not -- he was not aware
3 of that?

4 A. He wasn't aware. He didn't ask me about my
5 physical condition.

6 Q. How far was his cruiser or patrol car from
7 your front door?

8 A. About thirty-five feet I imagine.

9 Q. Thirty-five feet. All right. When he put
10 you in the patrol car, he put you in the back seat?

11 A. Yes.

12 Q. You were still handcuffed from behind?

13 A. Correct.

14 Q. Did he put a seat belt on you?

15 A. No.

16 Q. No seat belt. Was there one back there?

17 A. I don't know. They supposed to be, but he
18 didn't put one on me, I guarantee you that.

19 Q. Once he got into his patrol car did he call
20 his dispatcher, did he call the dispatcher, did he make
21 a call on his radio?

22 A. Yes.

23 Q. Do you recall what he said?

24 A. I'm on the way, 3-18 is on the way.

25 Q. 3-18?

1 A. Or something, one time.

2 Q. He used the number 3-18?

3 A. Yeah, three one eight.

4 Q. Three one eight?

5 A. And they said going to check to see, what's
6 taking him so long about getting to the jail house.

7 Q. What time was that?

8 A. Somewhere around 2:30. It shouldn't take
9 him 20 minutes to get from there down to the jail house.

10 Q. How long did it take from the moment you got
11 up from your sleep until the time that he pulled off out
12 of your front yard?

13 A. Around about 3:00.

14 Q. 3:00 o'clock, so that would have been half
15 an hour?

16 A. I guess. I couldn't see the clock.

17 Q. You have no idea?

18 A. He kept me blinded. When I got down the
19 road, my eyesight was trying to come back to me, and he
20 slammed the brakes and --

21 Q. All right. We're going to get to point.
22 Just hold on. We'll get to that point, Taz. How far is
23 it from your house to the courthouse -- to the jail?

24 A. About thirteen miles.

25 Q. Thirteen miles. How was your sight once you

1 got into the car?

2 A. I still couldn't see nothing.

3 Q. Pardon me?

4 A. I still couldn't see nothing.

5 Q. You still couldn't see?

6 A. About the time I got -- my eyesight was
7 trying to come back to me is when he started slamming
8 the brakes on, and I was hitting that back glass or
9 whatever it is.

10 Q. How long had you been in the car, how long
11 was it before he started slamming on the brakes?

12 A. After he left the yard, he's still on the
13 back roads when he did it. He was on the back roads
14 where nobody could see him.

15 Q. Was your eyesight coming back?

16 A. My eyesight was starting to come back. It
17 was blurry; I'm getting to where I could see again a
18 little bit. He started slamming the brakes on and then
19 he got out and tried to --

20 Q. What happened when he would slam on the
21 brakes?

22 A. Well, I was handcuffed liked this right
23 here, ram.

24 Q. So you hit the retainer, the petition,
25 between --

1 A. And every time he would do it he would laugh
2 and say, "Ha, ha, ha. Is that funny?"

3 Q. What kind of petition was that?

4 A. Screen or Plexiglas or cage wall or
5 Plexiglas or something like that.

6 Q. Plexiglas?

7 A. Screen or cage looking wall.

8 Q. How many times do you figure that happened?

9 A. Five.

10 Q. Five times?

11 A. It would be five times. Then he got mad and
12 stopped the car completely, and got out and opened the
13 back door trying to jerk me out.

14 Q. Why did he try to jerk you out?

15 A. I thought he was going to shoot me, make it
16 look like I escaped.

17 Q. Hold on a second. How long had you been in
18 the car, if you have a judgment, how long had you been
19 in the car, his car, before he stopped the car and tried
20 to pull you out?

21 A. Six or seven -- about seven or eight
22 minutes.

23 Q. Seven or eight minutes?

24 A. He didn't make it back to the main road
25 to --

1 Q. Now, tell me where -- which door did he
2 open?

3 A. Opened the back. He opened the driver's
4 side back door.

5 Q. Driver's side back door. And where were you
6 sitting?

7 A. I was sitting in the back seat like this
8 here (indicating).

9 Q. Where were you sitting in the back seat?

10 A. In the back seat like this (indicating).

11 Q. Were you sitting behind the driver's side or
12 behind the passenger's side?

13 A. Driver's side and my feet was hanging on the
14 --

15 Q. So when you were hitting the petition, you
16 were hitting the petition directly behind him?

17 A. Yes.

18 Q. Okay. You hadn't slid over to the
19 passenger's side?

20 A. No, I never get over to the passenger's
21 side.

22 Q. You stayed on that side?

23 A. Every time I do that, I'd get back up, and I
24 was a little bit orientated, I guess is the way you say
25 it. I didn't get but a sixth-grade education, but I

1 know what was going on.

2 Q. You were disoriented?

3 A. All that slamming brakes on and stuff, I
4 could have probably bounced around to both sides. I
5 can't remember. When he slammed them on that last time,
6 he opened that back door up trying to get me out. And
7 he got a hold of this finger just like this
8 (indicating), and popped it back like that right there
9 and fixed it to where I had to wear it like this from
10 now on, because they couldn't fix it.

11 Q. All right. Once he stopped the car, did
12 he -- he was not successful in throwing you out?

13 A. No. If he pulled me out --

14 Q. He did pull you out?

15 (Mr. Piazza and Mr. Burch talking over one
16 another.)

17 A. -- and shot me. I knew he would.

18 Q. He shot you with some more --

19 A. He would have shot me with a bullet if he
20 got me out without messing up his car.

21 Q. All right.

22 A. He didn't want no blood in the back seat of
23 his car.

24 Q. Hold on one second. So he got you out?

25 A. He didn't get me out. I hung my feet under

1 that back seat.

2 Q. So you hung your feet so he couldn't get
3 you out?

4 A. And he got a call on the radio checking in,
5 "3-18, everything 10-4," and he would have to check in
6 with them. They was wondering how come it was taking
7 him so long to get to that jail house. He said he run
8 into traffic. Wasn't a car behind us, in front of us,
9 side, nowhere. We were on a back country road over
10 there.

11 Q. He used those words, "running into traffic"?

12 A. Yes. And they wondered how come he ain't
13 got to the jail house yet.

14 Q. Is that the only communication that you
15 heard from his headquarters or dispatcher?

16 A. I heard that real plain.

17 Q. Did you hear any others?

18 A. I heard them talking a little bit down the
19 road, jibber-jabber. I couldn't make out all of that.

20 Q. You couldn't make it out?

21 A. Because some of it was like numbers.

22 Q. Would you go ahead and stand up and get in
23 front of the personnel Board over here and show them
24 exactly how your hands were and show them how he tried
25 to pull you out of the car.

1 A. (Witness complies.) This here would be the
2 back seat and here is his seat. And that's -- he sits
3 here and here's the driver's side back door. When he
4 starts slamming that thing, about five times of that,
5 and he kept saying, "Does that hurt?"

6 Q. Taz, what I want you to do is show them --
7 put your hands behind your back.

8 A. My hands are cuffed behind my back like that
9 (indicating).

10 Q. All right. And show them --

11 A. Kind of like this in the back seat. When he
12 stopped that car about like that --

13 Q. I want you to use -- I want you to sit in
14 this chair. What I want you to do, take Rocky and
15 pretend that Rocky is you. Okay. I want you to sit in
16 the chair. Put your hands behind your back. I want you
17 to pull on him like Deputy Ingle pulled on you.

18 A. Well, he opened the door. Sprayed some more
19 in the face. That didn't do it so he wanted to hit me a
20 couple of times. I turned my head that way, so he
21 wouldn't hit me in the face, and then he turned around
22 and hit my hand and he punched me right there
23 (indicating).

24 Q. He punched you in the shoulder here?

25 A. Grabbed my hand trying to grab me out of the

1 car. He had a hard time --

2 Q. You said something about his --

3 A. -- then he got my finger just like this
4 right here and he broke it.

5 Q. He broke your finger?

6 A. Then he had a call on the radio, "What's
7 taking you so long to get to the jail house?"

8 Q. All right. And you had your -- is it your
9 right foot or your left foot caught --

10 A. I had my right foot and left foot both
11 trying to hang in under that seat where he couldn't pull
12 me out.

13 Q. And he never did get you out?

14 A. He never did get me out, though, he had to
15 check in on the radio.

16 Q. Okay.

17 A. Taking too long to get to the jail house.

18 Q. After that incident that you just described,
19 what happened next?

20 A. Well, by the time we got to the jail house,
21 he had a little help waiting on him.

22 Q. Tell me who was at the jail house --

23 A. I don't know.

24 Q. -- if you know.

25 A. As far as I know there was one jailer on. I

1 couldn't see because he kept spraying me with that
2 stuff.

3 Q. He continued to spray you once you got back
4 into the car?

5 A. When he drug me out at the jail house.

6 Q. Oh, after he got you out of the car?

7 A. Yeah. I was still handcuffed --

8 Q. He sprayed you again --

9 A. -- and put me in a holding tank.

10 Q. All right. Were you giving him any trouble?

11 A. No.

12 Q. Were you threatening him, were you acting
13 badly?

14 A. Who in their right mind would do anything
15 like that when you're already getting beat up?

16 Q. Okay.

17 A. Pushed down, beat up, throwed around.

18 Q. So you didn't threaten him. There wasn't
19 any reason for him to continue spraying you?

20 A. There wasn't a reason to start with him
21 spraying me.

22 Q. All right. So, once you got out of the car
23 at the jail house, what happened next?

24 A. Jerked me all around and one of the jailers
25 was trying to help him --

1 Q. How about pushing that microphone over this
2 way, Taz.

3 A. I don't think it works. Hello. It don't
4 work.

5 Q. After you got to the jail house, what
6 happened?

7 A. Him and the jailer jerked me in the holding
8 tank, what they call them. He still had the handcuffs
9 on me. And he was still laughing, pushing me down on
10 the cement, which I busted this elbow. I've had
11 problems with it and had to have fluid drained off my
12 left elbow. All this --

13 Q. Is this when he knocked you down to the
14 cement at the jail house?

15 A. Yeah. Kind of stand up with your handcuffs
16 up like this right here (indicating), and let somebody
17 push you down backwards. See if you don't land on your
18 elbows.

19 Q. Show me -- just fall and show us, show the
20 panel here how you fell.

21 A. I'm not going to fall and hurt myself.

22 Q. Well, you don't have to fall hard, but just
23 fall and show them how you fell.

24 A. They didn't know that at that time, I had
25 two back surgeries and the second one was --

1 Q. Taz, listen to what I'm telling you.

2 A. That hurt my back all that pushing down.

3 Q. Listen to me.

4 A. That cement is hard.

5 Q. Show them exactly how you fell.

6 A. I ain't going to fall, but I'll get down
7 here like this. My head hit the cement first and then
8 my elbows.

9 Q. Did he push you from the front?

10 A. Yes, about five times in there.

11 Q. So you injured your elbows?

12 A. And whoever was on -- whoever the jailer was
13 was getting cold water and throwing on me and they was
14 laughing about it.

15 Q. Was this after you got inside the jail?

16 A. Yes. Derane needed his handcuffs back, so
17 he took them off, slammed the door out, and they was
18 still laughing about it, thought it was funny, but I am
19 fixing to be a hundred percent disabled medically. A
20 hundred percent disabled.

21 Q. We're not here for that testimony.

22 A. That ain't no way to treat nobody.

23 Q. Listen to me. We're not here for that
24 testimony.

25 Now, I'm going to show you some

1 photographs. This first photograph here, this is the
2 bandage on your right hand. Is that your hand there?

3 A. That's my hand.

4 Q. Is this a photograph that your wife took?

5 A. It is.

6 Q. Was this photograph taken after you got back
7 home from the jail?

8 A. After I got out of jail, I went to the
9 emergency room, which they put another splint on my
10 thumb.

11 Q. This is the splint that they put on you?

12 A. Right. And after I get out of the jail
13 house, that's the way them fingers looked, and they said
14 they couldn't fix it.

15 Q. This is your mid finger that you're pointing
16 to?

17 A. Right. That one there (indicating). They
18 couldn't fix it.

19 Q. And this is the bandage that they put --

20 A. At Walker Regional.

21 Q. At Walker Regional after you got out of
22 jail?

23 A. After I got out of jail since they didn't
24 have me checked out.

25 Q. Now, this photograph here, did Patsy take

1 that one too?

2 A. See --

3 Q. Answer my question. Did Patsy take this one
4 too?

5 A. Yes, I'm pretty sure.

6 Q. Was this taken after you got out of jail?

7 A. Patsy took most of them.

8 Q. And do you see any bruises there in that
9 photograph?

10 A. That one right there under my arm, right
11 there (indicating)

12 Q. On your arm?

13 A. Under my arm.

14 Q. Okay.

15 A. You can see my finger right there. That was
16 removed, splint was removed.

17 Q. So y'all removed the splint.

18 A. I removed the splint. I have to put it back
19 on and take it back off.

20 Q. What does this photograph show? Did Patsy
21 take that one too?

22 A. That's where he punched me in the back.
23 When I turned my head that way back in the car, he
24 punched me in the back.

25 Q. What you just demonstrated to the Board?

1 A. Right. I forget to punch him.

2 Q. You punched him.

3 A. Yeah. I forgot to give on each side.

4 Q. And those show your bruises from that punch;
5 is that correct?

6 A. I turned my head where he couldn't hit me
7 and he hit me right there.

8 Q. And this is another photograph of your hand?

9 A. Yes.

10 Q. That's with the bandage taken off. This
11 bandage here that we first saw in the first photograph,
12 that bandage could be removed by yourself or Patsy; is
13 that correct?

14 A. I had one on from the Winfield hospital.

15 Q. Right. We know that. But this is the
16 second bandage that you're talking about.

17 A. I went straight from the jail house to the
18 emergency room, and they put me another one on here.

19 Q. This is another angle of your hand showing
20 your busted or broken --

21 A. It was about to pop, it was killing me.

22 Q. Tell me what this photograph here shows.

23 A. That shows my black elbow from hitting the
24 cement.

25 Q. Okay. And Patsy took this one?

1 A. And they took -- had to drain the fluid out
2 of it.

3 Q. How long was this one taken after you got
4 home from the jail?

5 A. That day.

6 Q. When you got home?

7 A. The day I got home.

8 Q. Had Patsy picked you up from the jail?

9 A. Yeah.

10 Q. And picked up some cameras --

11 A. Took -- went straight home and took
12 pictures.

13 Q. Okay. She also took this picture of you?

14 A. Yeah.

15 Q. This shows the bruise on your arm here?

16 A. Yes.

17 Q. Under your armpit from another angle?

18 A. Yes. My whole hand --

19 Q. Tell me what these -- where did y'all take
20 these pictures here? Have you ever seen these
21 photographs here?

22 A. When I got out of jail.

23 Q. You took these after you got out of jail.
24 Explain to the Board what those pictures show.

25 A. Them she had of the trees. This is my

1 driveway. That's the stuff that he sprayed on me.

2 Q. What kind of driveway do you have?

3 A. The kind with dirt. Dirt and a little
4 gravel. It ain't real fancy. That's a picture of them
5 two fingers.

6 Q. Okay. Tell me what this is here in the
7 circle?

8 A. I backed up, and them two picture here, I
9 backed on up trying to get picture of my trailer.

10 Q. Did you take these pictures or did Patsy
11 take these?

12 A. Right there is the bottom of my trailer.
13 That's how far away from my trailer he parked the car,
14 and that's where he sprayed me and throwed me in the
15 back seat.

16 Q. What circle --

17 A. That right here, see that red?

18 Q. What does that red indicate?

19 A. That's where he sprayed me.

20 Q. That's why you took these pictures of the
21 red stuff on the ground.

22 A. I thought it was pepper spray.

23 Q. Whatever it was he was spraying you with?

24 A. Yes, he blinded me. He was keeping me
25 blind.

1 MR. PIAZZA: I would like the Board to see
2 these.

3 THE COURT: Are they marked?

4 MR. PIAZZA: They are marked. They are
5 marked number 1 through 8.

6 MR. WILLFORD: No objection.

7 MR. PIAZZA: 1 through 10 actually.

8 THE COURT: Are you offering them?

9 MR. PIAZZA: Yes.

10 THE COURT: Okay.

11 MR. PIAZZA: Well, actually I'll have Patsy
12 identify them because she took them.

13 THE COURT: Okay.

14 MR. PIAZZA: Unless he wants to waive his
15 objection.

16 MR. WILLFORD: I'm sorry. I didn't hear.

17 MR. PIAZZA: Patsy took these photographs.
18 Do you want to waive your objection?

19 MR. WILLFORD: Not for the purposes of this
20 hearing, no.

21 Q. Now, after you got to the jail, did they --
22 did anyone tell you what you were being charged with?

23 A. No, not in the jail.

24 Q. Did anybody read your rights to you, your
25 Miranda Rights to you?

1 A. No.

2 Q. Were you -- did they remove the handcuffs?

3 A. After about five gallons of water and
4 pushing me in the floor, pushed me to the cement floor
5 five times, they removed the handcuffs.

6 Q. They put you in the drunk tank?

7 A. They throwed me.

8 Q. Did they take fingerprints?

9 A. Yes, took the fingerprints.

10 Q. Did they take a mug shot?

11 A. Yes.

12 Q. They did?

13 A. (Witness nods head.)

14 Q. They took a mug shot and fingerprints. Did
15 you have any clothes on?

16 A. No.

17 Q. When did they remove your clothes?

18 A. They took my clothes off of me just as soon
19 as I got in there, frisked me down.

20 Q. Who all was at the jail that you can recall?

21 A. I don't work down there. I don't know.

22 Q. Would you recognize them if you saw them?

23 A. Every time I got to where I could really see
24 again, they would hit me with some more of that spray.

25 Q. All right. Would you recognize the people

1 who worked at the jail if you saw them tonight?

2 A. I tried to find out who was -- the only way
3 I could find out who that -- there was one jailer on
4 post when Derane took me in there, one jailer on, and
5 they could find out somehow or another who was the
6 jailer on when he took me to jail because I couldn't
7 see.

8 Q. So you really don't know?

9 A. I couldn't see. Every time I got to where I
10 could see, he kept me blinded with that spray.

11 Q. Okay. After you got in the jail and they
12 removed all your clothing, they put you in the drunk
13 tank?

14 A. Yes.

15 Q. How long did you stay there?

16 A. They had about, I would say about 30 minutes
17 of throwing cold water on me, pushing me down and
18 pushing me down and pushing me down and pushing me down
19 and pushing me down, five times. And I was --

20 Q. While you were in the drunk tank?

21 A. Yes.

22 Q. Who was doing that?

23 A. They was just laughing. They thought it was
24 all funny.

25 Q. Who was doing that?

1 A. Derane and that jailer. The jailer was
2 getting water.

3 Q. Did you still have your handcuffs on or
4 were they off?

5 A. Still had them on.

6 Q. Handcuffs were still on?

7 A. I decided I wouldn't get back up out of the
8 floor no more. It didn't do me no good.

9 Q. What time did you get to the jail? What
10 time did you get to the jail, do you remember, do you
11 have any idea, do you have any judgment whatsoever?

12 A. What time? I guess somewhere around 3:00 or
13 after 2:00 o'clock.

14 Q. What do you base that on?

15 A. Just the time it takes me to get to Jasper.

16 Q. You testified earlier that you left -- that
17 you got up at 2:30 and it was about 30 minutes between
18 the time you got up and the time you left. Did it take
19 that long for all this to happen at your house?

20 A. It took him around 3:00 o'clock to get me to
21 Jasper, and they keyed up and wanted to know if
22 everything was 10-4, what was taking him so long to
23 bring me.

24 Q. So it took him 30 minutes to get from your
25 house to the jail?

1 A. Yes. That's including that pit stop. There
2 wasn't no traffic jam that night.

3 Q. Now, how long did you stay in the drunk
4 tank?

5 A. About seven, maybe eight hours.

6 Q. How many hours?

7 A. Around seven to eight hours.

8 Q. Seven to eight hours. What time did you get
9 out of the drunk tank?

10 A. Devito come on shift. He had to go around
11 and look around. I was balled up in the floor, and he
12 opened the door to check on me. And he said, "Are you
13 all right?" I was balled up in a ball to keep from
14 trying to freeze to death.

15 Q. What time was this?

16 A. Whenever he comes on.

17 Q. 8:00 o'clock?

18 A. 8:00 o'clock or 9:00 o'clock.

19 Q. Did you see anyone before Lonny Devito came
20 on shift?

21 A. No.

22 Q. You know him, right?

23 A. Yeah, and he opened the door.

24 Q. Did you see anyone before he came --

25 A. He said, "Boy, you look bad," and went and

1 got the nurse, and the nurse brought me outside naked.

2 Q. He told you you looked bad?

3 A. I was naked and I was doing my best to cover
4 my privates up, because I'm standing here in front of a
5 strange lady I don't know. The nurse --

6 Q. Okay.

7 A. -- checked me out and then give me a
8 mattress --

9 Q. Who was the nurse?

10 A. I can't remember her name.

11 Q. Was her name Gold?

12 A. Suppose to have it wrote down somewhere.

13 Q. Is that her name, Gold?

14 A. I'm sure some of them know the nurse's name.

15 Q. When Officer Devito found you, it was about
16 8:00 o'clock, he went and got the nurse. Was she
17 already on duty or do you know?

18 A. I guess she whenever she --

19 Q. Do you know what time she got on duty?

20 A. I know he opened the door and checked on me.
21 He said, "You look rough." And he said, "What you in
22 here for?" I said, "I don't know." I said I need to go
23 see -- I need to go to the emergency room. And he said,
24 "I'll go get the nurse." And he come back and got the
25 nurse and moved me out of that cold -- it was about 45

1 degrees in them rooms. Then he moved me into another
2 room with -- at least it had a commode and something to
3 drink out of, and he give me a mattress and a blanket.

4 Q. All right.

5 A. And he still didn't know what I was in there
6 for.

7 Q. When did you -- when did you finally get
8 your jail uniform, orange uniform?

9 A. When Lonny come on shift on -- that morning
10 on the 16th.

11 Q. Were you allowed to take a shower or were
12 you allowed to do anything like that?

13 A. I had done had my shower, believe me. Five
14 buckets of that cold water, I had my shower.

15 Q. Okay.

16 A. I didn't like it.

17 Q. And when -- what did the nurse do when you
18 saw her?

19 A. Well, she got me out of there. She said I
20 looked pitiful, and she got me to another room. She
21 said, "You need to see the doctor." I said, "No, I need
22 to go to the emergency room." I was denied going to the
23 emergency room. The nurse finally come get me up to see
24 the doctor and put me right back in the room.

25 Q. How long did you -- when you say put you

1 right back in the room, are you talking about the drunk
2 tank or another --

3 A. No, the cold cell, the one with the commode
4 and drinking thing.

5 Q. How long did you stay in your cell?

6 A. I stayed in there -- I made one phone call
7 to Jan Guthrie and she relayed the message to Patsy.

8 Q. Who is Dan Guthrie?

9 A. A friend of mine.

10 Q. You made a phone call to him. Who told you
11 you could make a phone call?

12 A. They let me make one phone call.

13 Q. Who told you you could do that?

14 A. He's pretty old. He ought to be getting
15 time for retirement. He's a jailer, and it wasn't Lonny
16 but it's that old one. He was pretty old jailer.

17 Q. An old jailer?

18 A. He was pretty old jailer, but it wasn't
19 Lonny. He let me make a phone call.

20 Q. After you made the phone call, what happened
21 next? Let me ask you this: Up to that point in time
22 were you fighting with any of them or being
23 argumentative or giving them -- or being a problem
24 prisoner of any way, shape, or form?

25 A. I knowed better. I didn't need another knot

1 on my head or on my knee or busted elbow or busted
2 stuff. He had intentions of hurting me, and I know that
3 for a fact.

4 Q. Okay. Tell me what -- tell the personnel
5 Board what happened next.

6 A. You mean after I got out and made the phone
7 call?

8 Q. Yeah. Once she put you back into the cell,
9 what happened next to you?

10 A. Well, later on?

11 Q. How long did you stay in the cell?

12 A. It's hard to see a clock in there and I
13 didn't have a watch.

14 Q. Your best judgment.

15 A. Six, seven, eight. I know I was in there
16 about six.

17 Q. Did you have breakfast that morning?

18 A. Six to ten hours.

19 Q. Did they serve you breakfast that morning?

20 A. See, John Mark was off on that Monday and it
21 was the 17th before he came back to work, and Derane had
22 to give that to John Mark to file a charge on me.

23 Q. Once you got back in the cell, did they ever
24 serve you breakfast after you got your uniform on?

25 A. I went and -- they didn't have no meal for

1 me. I couldn't hardly eat that stuff anyhow.

2 Q. What time did they try to serve you a meal?

3 A. They brought meals around. They could do
4 better with their food there is all I can say.

5 Q. Do you know what time it was?

6 A. Stuff taste awful, ain't got no taste to it.

7 Q. How many meals did they attempt to serve you
8 while you were there in the jail?

9 A. About every time everybody got through,
10 wouldn't eat much, or I couldn't. Nobody goes there for
11 -- nobody goes down there for food.

12 Q. So you stayed in jail for at least another
13 eight or ten hours?

14 A. Well, it was about 1:30 or 2:00 o'clock.
15 Patsy was -- Gene left me from having checked out before
16 they let me out.

17 Q. Who picked you up from jail?

18 A. My wife.

19 Q. Patsy, and what time was that, do you
20 recall?

21 A. Well, she waited up to see John Mark. I
22 believe she said it was about 1:30 or 2:00 o'clock.

23 Q. 1:30 or 2:00 o'clock. But you don't have
24 any -- you don't have any recollection yourself of the
25 exact time, you didn't have a watch. Did you have a

1 clock in your cell?

2 A. You don't have nothing in those cells.

3 Q. Let me ask you this: Did you receive any
4 treatment whatsoever once you got to the jail house for
5 your busted middle finger? You didn't receive any
6 treatment from the nurse?

7 A. No.

8 Q. But she knew about it at 8:00 o'clock that
9 morning?

10 A. I told her I had a heart problem and I had
11 heart medications.

12 Q. Did they give you an opportunity to get your
13 medication there?

14 A. Somehow I managed -- Gene managed to get it
15 through.

16 Q. Your brother Gene?

17 A. Gene managed to be able to get my medicine I
18 need, heart medicine and stuff that I've got to have.
19 It's like I got to go get that everyday or I'm going to
20 die. I've done had one heart attack.

21 Q. Gene brought it to you?

22 A. My medicine to me, my main --

23 Q. Did you get to see Gene?

24 A. No, he was --

25 Q. Did you get to see Patsy while you were in

1 jail?

2 A. No. They wouldn't let them visit.

3 Q. They just released you and you didn't
4 receive any treatment?

5 A. (Witness shakes head.)

6 Q. They did take a photograph of you though,
7 right?

8 A. No.

9 Q. They didn't take a mug shot?

10 A. They took a mug shot of my head, I think.
11 It was one way or another, and I had to go --

12 Q. They took a mug shot, and you didn't receive
13 any treatment for your busted hand?

14 A. No. They take --

15 Q. Just answer my question.

16 A. I didn't receive no treatment at all.

17 Q. No treatment. They didn't dress it with
18 anything?

19 A. No.

20 Q. What happened to your ace bandage that you
21 had?

22 A. They took it off.

23 Q. They took it off?

24 A. You can't have nothing in jail unless they
25 give it to you.

1 Q. So they took your ace bandage off?

2 A. Most time you stay 24 hours in a place naked
3 and then you --

4 Q. Taz, answer my questions, please.

5 A. All right.

6 Q. Did they give you your ace bandage back on
7 your release?

8 A. Yes, in a sack.

9 Q. In a sack. They gave you your clothes back,
10 your pants, and was it a shirt?

11 A. They give me my shirt and my britches back,
12 and they had that thing took off, my splint for my
13 thumb, in a sack, and I took it straight over to the
14 emergency room when I left.

15 Q. All right. We'll get there. Once you left
16 the jail, Patsy picked you up and took you to the
17 emergency room, Walker Regional?

18 A. Yes.

19 Q. How long did you stay there?

20 A. About three hours.

21 Q. They took some x-rays?

22 A. (Witness nods head.)

23 Q. They took x-rays at Walker Regional; is that
24 correct?

25 A. Correct.

1 Q. They treated you with -- did they put you in
2 a cast or a splint or what?

3 A. They reput the same one that I had put on at
4 Winfield, on the thumb and wrapped it up, because he
5 said he couldn't fix it.

6 Q. Wait. Let me find the photograph. Is that
7 the bandage they put on that had the nurse --

8 A. I take that when I got back home.

9 Q. Is the bandage they put on at the emergency
10 room?

11 A. They put it on.

12 Q. All right. Now, after you and Patsy left
13 the emergency room, where did y'all go?

14 A. I went to Wal-Mart and bought two disposable
15 cameras.

16 Q. Where did you go after that?

17 A. I went home.

18 Q. You went directly home?

19 A. Directly home.

20 Q. You didn't stop off at your brother's house?

21 A. No. I went straight home.

22 Q. Okay. How long did you stay at home?

23 A. I pretty well needed some rest. I reckon I
24 remember -- I stayed up until we got pictures took and
25 then I had to go to bed. I didn't get no sleep down

1 there.

2 Q. When did you see your brother next, Gene?

3 A. The next day.

4 Q. The next day?

5 A. After I got out of the hospital and I got
6 some rest.

7 Q. Wait a minute. You went back to the
8 hospital?

9 A. After I got out of the hospital, I went
10 home.

11 Q. Right.

12 A. And at home I went to sleep again, or tried
13 to go back to sleep.

14 Q. All right.

15 A. And got some sleep that night. The next day
16 I went to see my brother.

17 Q. But you said -- did you go back to -- you
18 didn't go back to the hospital before you went to see
19 your brother that day?

20 A. Nuh-uh. My finger was killing me so bad,
21 the next day I had to go back to the hospital.

22 Q. That's what I'm trying to get at, Taz. You
23 had to go back to the hospital the next day?

24 A. Yes.

25 Q. Where did you go?

1 A. He said to put a thing on there on my -- he
2 said he tried to set it and it got to hurting so bad.

3 Q. Where did you go?

4 A. I went back over here.

5 Q. Walker Regional?

6 A. They bandaged it again. He said the only
7 way he could fix it, it would be like this right here
8 (indicating).

9 Q. What doctor told you that?

10 A. Ostrowski.

11 Q. I'm not talking about Ostrowski. You're
12 getting ahead of me now.

13 A. I'm talking about --

14 Q. I'm talking about Walker Regional.

15 A. Dr. Shipman.

16 Q. Could they do anything for you there, Dr.
17 Shipman?

18 A. He couldn't fix it.

19 Q. He couldn't fix it. Did he refer you to
20 anybody?

21 A. Princeton.

22 Q. He referred you to Princeton?

23 A. Right.

24 Q. All right. Is this -- did they take x-rays
25 at Princeton?

1 A. That's correct.

2 Q. And when did you go to Princeton?

3 A. They had to make me a scheduled appointment
4 to go over there.

5 Q. How long was it?

6 A. A couple of days later. I can't hardly
7 remember.

8 Q. Was it February 27?

9 A. There was so much pain I couldn't hardly
10 remember stuff.

11 Q. Is that the x-ray that was taken at
12 Princeton? Are you familiar with these x-rays here?

13 A. Princeton. Is the date the 25th, that would
14 be about right.

15 Q. Did you and Patsy pick these x-rays up from
16 Princeton and Walker Regional?

17 A. Yes.

18 Q. I'm going to let you look at this x-ray
19 here. Where was that x-ray taken? Can you read the
20 date on that, Taz?

21 A. 6/25.

22 Q. Right up here (indicating).

23 A. The 2nd and the 15th.

24 Q. The 2nd and the 15th. Now, that's the day
25 that you said you went to the emergency room the first

1 time?

2 A. Yes. The 15th.

3 Q. Where did you go?

4 A. This one that -- I went the 2nd and the
5 15th.

6 Q. Where did you go?

7 A. Winfield emergency room.

8 Q. Winfield emergency room. You didn't go to
9 Walker Regional?

10 A. Not on that one.

11 Q. But it's your testimony that you went to
12 Winfield emergency room?

13 A. Yes. It used to be Carraway and then they
14 changed it to something else.

15 MR. WILLFORD: Charlie, I'm going to object
16 to this one. There's no identifying mark on it in
17 terms of where it was taken. We have no medical
18 testimony here. We have Mr. Burch testifying that
19 he had x-rays taken.

20 THE WITNESS: Right.

21 MR. PIAZZA: He's going to testify he picked
22 it up there.

23 THE WITNESS: I went and got it.

24 THE COURT: This is a little bit out of the
25 scope of admission of the medical records. If he

1 objects and there's not any identifying marks on
2 here -- and you got them from different places?

3 MR. PIAZZA: There's three sets of records
4 here.

5 MR. WILLFORD: The ones where the hospital
6 is marked, I don't object to. That one I do
7 (indicating).

8 THE WITNESS: It shows plainly nothing wrong
9 with this finger right here.

10 MR. PIAZZA: Hold on, Mr. Burch.
11 He can testify as to where he picked it up
12 and as to where it was taken, and for purposes of
13 this hearing, from what I understand, this is
14 pretty much an administrative type hearing.

15 THE COURT: It's got an identifying mark on
16 it showing Tommy Barron 6/10 -- 6/15/04 -- or
17 2/15/04.

18 Mr. Burch, be quiet until somebody asks you
19 a question, okay.

20 MR. WILLFORD: The objection is that there
21 -- I understand it has his name and it has the date
22 on there, but it does not have the facility where
23 it was taken. I mean, no doctor, nothing
24 indicating where it was taken.
25

1 THE WITNESS: It was the emergency room --

2 MR. PIAZZA: Mr. Burch, be quiet, please.

3 THE COURT: Are you going to agree that
4 those can be reviewed by the Board?

5 MR. WILLFORD: Yeah. I don't have a problem
6 with that because, again, they do have the hospital
7 that's indicated on there from what I saw -- or
8 what I've seen.

9 THE COURT: I don't see where this is going
10 to be prejudicial. If he identifies it as part of
11 the x-rays he picked up and says where he got it
12 from, I'm going to let the Board look at it.

13 Q. Where did you pick this x-ray up?

14 A. Carraway emergency room in Winfield,
15 Alabama. And me and Patsy, my wife, went to get it.

16 Q. And other than --

17 MR. PIAZZA: I don't know how to mark these,
18 but I guess they're so identifiable. They're all
19 marked differently. Is that acceptable to the
20 Board?

21 THE COURT: The only thing the record is
22 going to show is that the Board looked at these,
23 and I don't think they would want to keep them as a
24 part of the report.

25 MR. PIAZZA: I understand that.

1 THE COURT: So however they are marked will
2 probably be sufficient as marked already.

3 Q. Now, this was -- this x-ray was taken before
4 you were arrested, is that correct, and it shows your
5 right hand --

6 A. Around 3:00 o'clock on the 15th of Sunday --

7 Q. But it's got Tommy Barron on here.

8 A. That's right.

9 Q. Is that your identification?

10 A. I changed my name on the 10th -- 2nd and
11 10th of '04 to Taz Burch, but I haven't had time to get
12 all my paperwork and everything changed over and all
13 that.

14 Q. All that was done on the 10th of February?

15 A. Medicaid card is still in my name and
16 insurance stuff. I haven't had time to change it all
17 yet, but I've got it changed now.

18 Q. Now, these x-rays were taken at Baptist
19 Medical Center Princeton, I believe. I want you to look
20 at that one and read the identifying marks up there
21 (indicating).

22 A. Correct.

23 Q. Did you also pick these x-rays up, you and
24 your wife?

25 A. That's correct. They said they wouldn't

1 mail them, we had to come and get them.

2 Q. Okay. And was this from -- resulted from
3 the referral that Walker Regional and Dr. Shipman gave
4 you?

5 A. Dr. Shipman.

6 Q. Does this show your right hand, both views
7 of your right hand; is that correct?

8 A. Right.

9 THE COURT: What date is on those?

10 MR. PIAZZA: February 27.

11 MR. WILLFORD: I have no objection to
12 those.

13 Q. Now, these x-rays are marked Walker Regional
14 but they're dated February 23. Why is that?

15 A. Dated the 23rd. Whoever the X-ray
16 technician is or whoever is operating that emergency
17 room over there --

18 Q. You didn't go --

19 A. I got out of jail and went straight over
20 there, and that's on the 17th.

21 Q. All right.

22 A. They made an error on the date, but I had to
23 go back over there again, and I don't know how they --
24 I'm over there on the 17th.

25 Q. All right.

1 A. As soon as I got out of jail is the day to
2 the emergency I went.

3 THE COURT: Wait until he asks you another
4 question.

5 Q. Okay, Taz. You also picked up some medical
6 records?

7 A. Yes, sir.

8 Q. From that date?

9 A. On that paper.

10 Q. That would have been the 17th; is that
11 correct?

12 A. That's correct.

13 Q. I'm going to show you these -- are these the
14 records that you and Patsy picked up?

15 A. The 2nd and 17th right there. I can't see.

16 Q. I've got two sets of records here.

17 A. That is dated the 17th, and it shows my
18 fingers right there where I got my finger marked.

19 Q. How many times did you go back to Walker
20 Regional?

21 A. I went on the 17th, and the next day I went
22 back down there again because my finger ain't got no
23 better, so he sent me to Princeton, and Princeton sent
24 me to Brookwood.

25 Q. So you went twice; is that correct?

1 A. Yes. He gave me a pain shot.

2 Q. Were there several days in between your
3 trips?

4 A. Yes. You just can't walk in over at
5 Princeton and get an x-ray. You've got to call ahead
6 and get an appointment over there to get x-rays, and
7 then you have to call ahead over at Brookwood to get to
8 see the doctor over there, because they've got
9 appointments.

10 John Mark, I'm sorry all this happened. I
11 just want to let you know. It has nothing to do with
12 you.

13 MR. PIAZZA: If there is no objection, I'm
14 going to show these to the panel.

15 MR. WILLFORD: I have no objection to those.

16 THE COURT: Okay.

17 Q. Now, it's your testimony, Taz, that your mid
18 finger -- your mid finger on your right hand was injured
19 as a direct result of the actions of Mr. Derane Ingle?

20 A. Correct.

21 Q. Is that correct?

22 A. That's correct.

23 Q. And when you went to see Dr. Ostrowski, he
24 told you that it needed to be amputated.

25 A. He said it would cost me up to nearly a